

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY  
DOCUMENT  
ELECTRONICALLY FILED  
DOC #:  
DATE FILED: 5/23/2008

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JONATHAN CADET,

Plaintiffs,

-against-

THE CITY OF NEW YORK, POLICE OFFICER JOHN  
WALSH (Shield 04008), POLICE OFFICER RICHARD  
KERN (Shield 9459), POLICE OFFICER LOWEZ  
WALKER (Shield 23357) and POLICE OFFICER  
MEHMET KANBUR (Shield 04045),

Defendants.  
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**STIPULATION AND ORDER  
OF SETTLEMENT AND  
DISCONTINUANCE**

07-CV-10646 (DAB)(RLE)

**WHEREAS**, plaintiff commenced this action by filing a complaint in or about  
November 28, 2007 alleging that certain of his federal and state rights were violated; and

**WHEREAS**, defendants have denied any and all liability arising out of plaintiff's  
allegations;

**WHEREAS**, plaintiff and defendants now desire to resolve the issues raised in  
this litigation, without further proceedings and without admitting any fault or liability;

**WHEREAS**, no party herein is an infant or incompetent for whom a committee  
has been appointed; and

**WHEREAS**, plaintiff has authorized counsel to settle this matter as against  
defendants on the terms enumerated below:

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by  
and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed as against defendants, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. The City of New York hereby agrees to pay plaintiff the sum **Twenty Seven Thousand Five Hundred Dollars (\$27,500)** in full satisfaction of all claims as against defendant City of New York, including claims for costs, expenses and attorney's fees. In consideration for the payment of this sum, plaintiff agrees to dismissal of all the claims against the defendants City of New York, John Walsh, Richard Kern, Lowez Walker and Mehmet Kanbur, and any present or former employees or agents of the City of New York from any and all liability, claims, or rights of action that have or could have been alleged by plaintiff in this action arising out of the events alleged in the complaint in this action, including claims for costs, expenses and attorney's fees.

3. Plaintiff shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, a release based on the terms of paragraph "2" above and an Affidavit of No/Concerning Liens, whichever is applicable.

4. Other than as set forth in paragraph "2" above, plaintiff and his counsel, or any party in privity with either of them, shall have no recovery for any damages, injury, equitable or other relief, or fees or costs in connection therewith.

5. Nothing contained herein shall be deemed to be an admission by the defendants that they have in any manner or way violated plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

6. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York.

7. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: New York, New York  
May 22, 2008

Mr. Richard Cardinale, Esq.  
Attorney for Plaintiff  
Cardinale & Marinelli  
26 Court Street  
Suite 1815  
Brooklyn, NY 11242  
(718) 624-9391

By:   
RICHARD CARDINALE, ESQ.

MICHAEL A. CARDOZO  
Corporation Counsel of the  
City of New York  
Attorney for Defendant  
100 Church Street, Room 3-142  
New York, New York 10007  
(212) 676-1347

By:   
BROOKE BIRNBAUM  
Assistant Corporation Counsel

SO ORDERED:

  
U.S.D.J. 5/23/08